



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Arthur Jackson, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** September 3, 2013

**SUBJECT:** **BZA Case 18600** - request for variance relief from §§ 403.2, 404.1, 2001.3 (b) and 2300.2 (b) for a garage addition to a two-story row dwelling located at 1023 Irving Street NW

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **cannot support** variance relief for a garage addition that requires:

- increasing the allowable lot occupancy under § 403 from 60% to 90%;
- decreasing the minimum required rear yard under § 404 from 20 feet to 0 feet;
- allowing an *increase* the already nonconforming lot occupancy on the site and a *new* nonconforming rear yard setback which is contrary to § 2001.3 (a) and (b); and
- reducing the required garage setback from the alley centerline under § 2300.2 (b) from 12 feet to 0 feet.

The application did not explain what unique characteristics of the subject property create a practical difficulty in the case. Although OP thinks additional relief may be required, the relief was not requested by the applicant and will not be analyzed in this report.

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	1023 Irving Street NW
Legal Description:	Square 2846, Lot 0097
Ward:	1A
Lot Characteristics:	The 20 x 90-foot rectangular interior lot with an area of 1,800 square feet (0.04 acre) abuts an alley 10-feet wide along its western (side) property boundary (refer to Figure 1).
Zoning:	R-4 – one-family row dwellings with garages are allowed.
Existing Development:	According to DC Land Records, the masonry one-family row dwelling on the subject property was constructed in 1912. The original building, therefore, predates the current Zoning Regulations. According to the annotated plat submitted with the application, the dwelling sets back from the front property boundary and right-of-way of Irving Street NW approximately 9.7 feet. Although the alley abuts the western property boundary and the addition, there is no direct access from the alley into the garage (refer to Figure 1).



	Submitted plans also appear to indicate that the subject garage is the second addition to the original masonry structure.
Historic District:	None
Adjacent Properties:	Similar two-story row dwellings.

### III. PROJECT DESCRIPTION IN BRIEF

Applicant:	Wilfredo Bonilla, owner of record.
Proposal:	
Relief Sought:	<p>Variance relief from the provisions listed above. Upon further review, OP made the following observations:</p> <ul style="list-style-type: none"><li>• The ZA referral letter indicates that the single family structure exceeded the allowable lot occupancy <i>before</i> the garage addition was constructed. Based on the similar construction, the earlier addition may also have been erected since the current regulations were adopted. The earlier addition may also require variance relief (or possible removal) as a result (refer to Exhibit 1).</li><li>• Since the garage addition is not an accessory structure, it does not appear subject to the § 2300.2 (b) setback requirement.</li><li>• It does not seem that that the subject addition could function as a “garage.” The exterior doors open onto the neighboring property that wraps around the subject property to the alley (refer to Exhibit 1). Accordingly, relief also appears to be required from § 2101.1 because the “playroom” addition eliminated the open area available onsite for the required parking.</li></ul> <p>OP shared these observations with the Zoning Administrator. However, to date, no revised referral memorandum has been issued. The ZA did provide a copy of the Notes and Computations attachment to the original memorandum (refer to Exhibit 2).</p>

### IV. ZONING REQUIREMENTS

R-4 District	Regulation	Previous	Existing	Relief?
Lot Occupancy § 403	60% max.	61.3% <sup>1</sup>	88.9% <sup>2</sup>	Yes
Rear Yard (ft.) § 404	20 feet min.	26 feet	0 foot	Yes

Since the dwelling lot occupancy is currently nonconforming, the garage addition is subject to the following Zoning Regulation standards for additions to nonconforming structures:

*2001.3 Enlargements or additions may be made to the structure; provided:*

<sup>1</sup> Previous lot occupancy based on the submitted plans: (55.75 x 20 feet) / 1,800 square feet (lot area) = 61.3%

<sup>2</sup> Reference the Notes and Computations appendix to the Zoning Administrator referral memorandum in Exhibit 2

- (a) *The structure shall conform to percentage of lot occupancy requirements, except as provided in § 404; and*
- (b) *The addition or enlargement itself shall:*
  - (1) *Conform to use and structure requirements; and*
  - (2) *Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

The subject addition did *not* bring the current lot occupancy on the subject property into conformance. In fact, it created a *new* nonconforming rear yard setback and made the current lot occupancy *more* nonconforming.

Relief from 12-foot setback required from the alley centerline under § 2300.2 (b) was also identified by the ZA.

## V. OP ANALYSIS:

Area variance relief from §§ 403.2, 404.1, 2001.3 and 2300.2 (b) in accordance with §§ 3103.2 and 3103.5 (a)

- **Uniqueness Resulting in a Peculiar and Exceptional Practical Difficulty**

The Statement of the Applicant did not identify any unique site characteristics that create an exceptional practical difficulty. Although encouraged to do so by OP, the applicant did not submit any additional information to address the variance relief standards.

- **No Substantial Detriment to the Public Good**

Pending comments from the abutting neighbor about vehicle moving from the garage to the alley, it does not appear that the one-story rear addition has been detrimental to the surrounding properties.

- **Substantial Harm to the Zoning Regulations**

Granting the variance zoning relief needed for the existing construction, without the identification of any peculiar and exceptional practical difficulty resulting from a unique property characteristic, and that brought the property even *further* out of zoning compliance, is contrary to the intent and detrimental to the integrity of the Zoning Regulations.

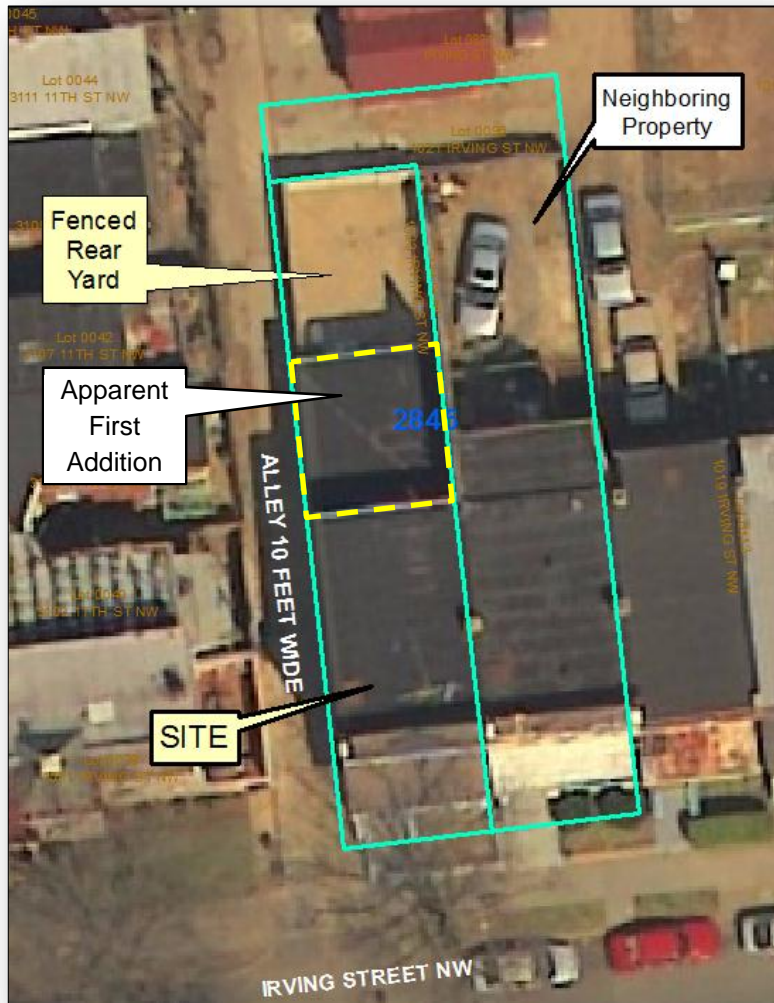
## VI. COMMUNITY COMMENTS

This application was forwarded to Advisory Neighborhood Commission (ANC) 1A for review and comment. To date, no ANC resolution on this case had been added to the case record file.

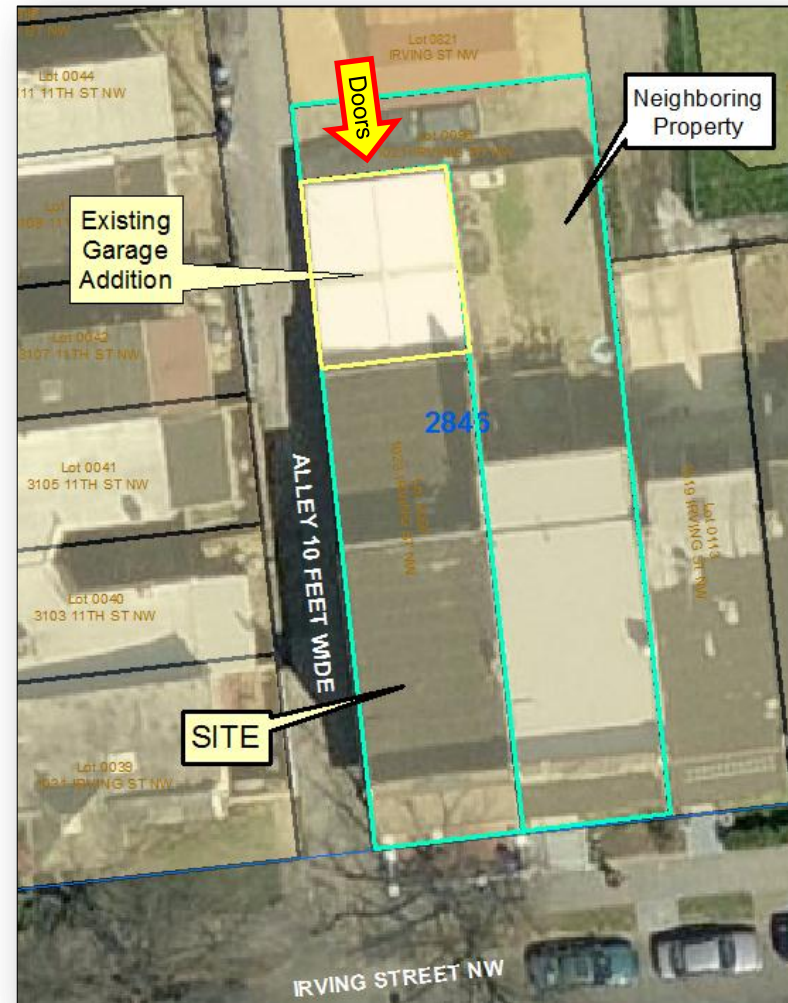
Figure 1



Pictometry Orthophoto Taken April 6, 2005



Pictometry Orthophoto Taken April 6, 2009



(Permit #G1200075) FY12-42-Z

**NOTES AND COMPUTATIONS**ADDRESS: 1023 Irving St NWLOT(S): 0097SQUARE: 2846

SFD

ZONED: R-4REQUIREDALLOWEDPROVIDEDVARIANCE

LOT AREA	1800 Sq. Ft.		1800 Sq. Ft.	N/A
LOT WIDTH	18 Ft.		20 Ft.	N/A
LOT OCCUPANCY (60%)		1080 Sq. Ft. (Max. 60 %)	1600 Sq. Ft. (88.9%)	520 Sq. Ft. (28.9 %)
FLOOR AREA RATIO		N/A	N/A	
PARKING SPACES	1		2	N/A
REAR YARD	20 Ft.		0 Ft.	20 Ft
REAR CENTER LINE	12 Ft.		0 Ft.	12 Ft.
SIDE YARD	N/A		N/A	
COURT, OPEN	N/A		N/A	
COURT, CLOSED	N/A		N/A	